

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

TYRONE HURT,

Plaintiff

v.

C-1-13-525

UNITED STATES OF AMERICA,

Defendant

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 3) to which neither party has objected, plaintiff's Motion to Appoint Counsel (doc. no. 4) and plaintiff's Motion for Notice of Appeal *in forma pauperis* (doc. no. 7).

Upon a *de novo* review of the record, the Court finds that the Judge has accurately set forth the applicable law and has properly applied it to the particular facts of this case. Accordingly, in the absence of any objection by plaintiff, this Court accepts the Report as uncontroverted.

The Report and Recommendation of the United States Magistrate Judge (doc. no. 3) is hereby ADOPTED AND INCORPORATED HEREIN BY REFERENCE. The Complaint is DISMISSED WITH PREJUDICE pursuant to 28 U.S.C. § 1915(a)(3). Plaintiff's Motion to Appoint Counsel (doc. no. 4) and plaintiff's Motion for Notice of Appeal *in forma pauperis* (doc. no. 7) are DENIED.

The Court CERTIFIES pursuant to 28 U.S.C. § 1915(a)(3) that for the foregoing reasons an appeal of any Order adopting this Report and Recommendation would not be taken in good faith, and therefore, DENIES plaintiff leave to appeal *in forma pauperis*. See *McGore v. Wigglesworth*, 114 F.3d 601 (6th Cir. 1997).

This case is DISMISSED AND TERMINATED on the docket of this Court.

IT IS SO ORDERED.

s/Herman J. Weber  
Herman J. Weber, Senior Judge  
United States District Court